

4/16/07

L-106-07 ds

RESOLUTION NO. 106-07

BY: **SCOTT M. TUMA**  
(By Request – Mayor)

A RESOLUTION IN OPPOSITION TO  
SENATE BILL 117 REGARDING “VIDEO  
SERVICE PROVIDERS,” AND DECLARING  
AN EMERGENCY

WHEREAS, the City of Parma welcomes competition of video service and broadband and encourages new providers of these services to invest in new communications and video programming infrastructure in the City and to provide competitive video and broadband service to all of the City’s residents and businesses; and

WHEREAS, Senate Bill (“SB”) 117 has been introduced in the Ohio Legislature to enable telecommunications companies to enter the video service market with minimal regulation and accountability in order to compete with incumbent cable operators by providing competitive video service to Ohio residents of their choice; and

WHEREAS, current federal statutory law regulating the provision of video service maintains a fair and equitable balance between local government interests, powers and obligations, and the interests of incumbent cable operators as well as new providers of competitive video service, and provides a reasonable mechanism by which competitive video service providers can obtain local permission to provide video services; and

WHEREAS, SB 117 would eliminate local and state regulation of cable and other video service providers using the City’s rights-of-way and replace it with minimal oversight and enforcement powers by the Ohio Director of Commerce; and

WHEREAS, SB 117 would permit cable operators to unilaterally abrogate existing cable contracts with municipalities even if no new competitive video service is offered in those communities; and

WHEREAS, despite claims that SB 117 preserves important local government interests such as control over rights-of-way, franchise fee payments and Public, Educational and Governmental (PEG) access channels, the forms of SB 117 unreasonably restrict and severely impair these and other important local interests; and

WHEREAS, it is incumbent on the City of Parma to protect the cable and video service interests of all its residents with respect to reasonable build-out requirements, local PEG programming, payment of franchise fees for use of public rights-of-way, and rights-of way management; and

WHEREAS, SB 117 would substantially cut the City’s franchise fees paid by cable operators and video service providers in exchange for using the City’s rights-of-way and would severely impair the City’s ability to audit cable and competitive video service providers’ franchise fee payments; and

WHEREAS, SB 117 would substantially reduce, if not eliminate, the City's Public, Educational and Governmental (PEG) access channels and would entirely eliminate all other PEG funding and other services, such as free cable service to City's buildings and public schools entirely; and

WHEREAS, SB 117 would severely impair the City's ability to require and enforce basic customer service standards in cable television and other video services; and

WHEREAS, although SB 117 states that current local franchise requirements present "barriers to entry" and "inordinate delays", companies such as AT&T are not yet providing competitive video service, and has not committed to a date by which it will begin providing competitive service, in Ohio communities that have already granted AT&T permission to provide such services;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That this Council hereby opposes Ohio Senate Bill No. 117 and any state legislation that would preempt local government regulation of video service providers using the right-of-way in their jurisdiction, and that would eliminate and severely limit franchise fee payments and PEG channel and access support currently existing under federal law and further urges members of the Ohio Legislature to oppose SB 117 and any other similar legislation that impinges on the City's power of local self-government.

Section 2. That the Clerk of Council be, and he hereby is, directed to forward a certified copy of this Resolution to the Governor Strickland, State Senator Dale Miller and State Representative Timothy DeGeeter.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary due to the nearness of the vote, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO